

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

MUHAMMAD NASIR SIDDIQI

DEBTOR

MARK A. WEISBART,
CHAPTER 7 TRUSTEE

PLAINTIFF

V.

JAMELA SIDDIQI

DEFENDANT

CASE No. 19-42834
CHAPTER 7

ADVERSARY No. 20-04037

PLAINTIFF’S UNOPPOSED MOTION TO SEAL EXHIBITS AT TRIAL

Mark A. Weisbart, Chapter 7 Trustee (“Plaintiff”) for the bankruptcy estate of Muhammad Nasir Siddiqi, files this Unopposed Motion to Seal Exhibits at Trial, and in support of such relief would show the Court as follows:

FACTUAL BACKGROUND

1. Trial in this adversary is scheduled to begin on February 8, 2022, at 10:00 a.m. (the “Trial”). In preparation for Trial the parties have exchanged exhibits in accordance with EDTX Local Bankruptcy Rule 7016-1(d). Certain of exhibits Plaintiff intends to introduce at Trial constitute personal financial records of Muhammad N. Siddiqi, the Debtor in the above-referenced bankruptcy case and Defendant and business records of Hiba Entertainment, Inc. These records are in the form of business records obtained from financial institutions and contain bank and credit card statements along with related transaction documents as well as personal federal tax returns (the “Records”). The Records total approximately 8,600 pages and contain the account information

of various third parties who had banking transactions and relationships with the Debtor and Defendant.

2. Bankruptcy Rule 9037(a) provides that unless otherwise ordered by the court, personal identification information and financial-account numbers contained in electronically or paper filings must be redacted except for the last four digits of social security numbers and financial-account numbers. See, FED.R.BANKR.P 9037(a). Bankruptcy Rule 9037(c) affords a court the discretion to authorize a filing under seal without redaction.

3. Rule 9037 and Section 107(c) of the Bankruptcy Code recognize that while public access to court filings is a fundamental tenet such access may place individuals at risk of having certain sensitive, private information exposed and misused.

4. While the Records are not “filed” with the Court, upon admission at trial these Records will become official court documents and potentially subject to review by third parties, particularly in the event they were made part of the record of an appeal. Consequently, there is a substantial need to maintain the confidentiality of the personal identification and financial account information the Records contain. Given the Record’s volume, however, redaction would be unduly burdensome and time consuming. Accordingly, Plaintiff requests that the Court enter an order sealing the Records as identified and designated at trial that contain personal sensitive information.

PRAYER

Wherefore, Plaintiff respectfully requests that the Court grant this request and an enter an order providing that the Records, upon being designated at trial, be introduced into the court’s record under seal and prohibit public access thereto and granting Plaintiff such other and further relief to which he is justly entitled.

Respectfully submitted,

/s/ James S. Brouner

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on the 27th of January 2022 he discussed the requested relief with Hal Lusky, Defendant's counsel. At that time, counsel agreed to the relief sought herein.

/s/ James S. Brouner

James S. Brouner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served on the party listed below either through the Court's electronic notification system as permitted by Appendix 5005 III. E. to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid on this the 28th day of January 2022.

Herman "Hal" Lusky

herman@lusky.com

Counsel for Defendant

/s/ James S. Brouner

James S. Brouner